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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALEXANDRA RASEY-SMITH;
GORDON GENE MACCANI; and
JANET MACCANI,

Plaintiffs,

vs.

CITY OF LOS ANGELES; and DOES
1-10, inclusive,

Defendants.

Case No.: 2:24-CV-03265-PSG-SSC
Hon. Phillip S. Gutierrez
Hon. Mag. Judge Stephanie S.
Christensen

**JOINT RULE 26 SCHEDULING
CONFERENCE REPORT**

Date: August 23, 2024
Time: 2:00 p.m.
Courtroom: 6A

Original Complaint: April 19, 2024
Answer: May 20, 2024
Trial (Proposed): February 17, 2026

1 **COME NOW ALL THE PARTIES JOINTLY AND STATE AS FOLLOWS:**

2 Following an early meeting of counsel, the parties hereby submit this joint
3 scheduling conference report joined by all the parties pursuant to F.R.C.P. Rule 26
4 and the Court's Order (Doc. 13).

5 **A. SUMMARY OF THE CASE**
6 **PER PLAINTIFFS:**

7 On February 3, 2024, Defendant Doe Officers responded to a call on the 800
8 block of East 7th Street, in Los Angeles. Doe Officers contacted Jason Maccani,
9 who on information and belief was experiencing a mental health crisis, after they
10 arrived. While at this location, the involved Los Angeles police officers used less-
11 lethal force and lethal force on Mr. Maccani, causing serious physical injury and
12 eventually killing him. The involved officers did not give Mr. Maccani a verbal
13 warning that deadly force would be used before they shot him, despite being
14 feasible to do so. Mr. Maccani was holding a white plastic fork in one of his hands
15 at the time of the incident and he was not armed with a knife or gun during the
16 encounter with the police. The white plastic fork in Mr. Maccani's hand did not
17 resemble a knife or any other dangerous weapon, and was, or should have been,
18 easily distinguishable from a knife or a gun. There were less than lethal
19 alternatives to using deadly force against Mr. Maccani, including less lethal
20 shotguns and 40mm rounds, taser guns, pepper spray, and simply going hands on
21 with Mr. Maccani. Mr. Maccani was also significantly outnumbered by the
22 involved officers, and he did not physically injure anyone, including the involved
23 officers, during the incident.

24 The shooting and other uses of force were excessive and unreasonable,
25 particularly because at the time of the shooting and other uses of force against him,
26 Mr. Maccani did not pose an immediate threat of death or serious bodily injury to
27 the deputies or to anyone else. The use of deadly force was unnecessary, unlawful,
28

1 unjustified, and contrary to basic police training and standards. On information and
 2 belief, Mr. Maccani was not armed with a knife or a gun at all relevant times,
 3 including at the time of the shooting.

4 Plaintiffs' Complaint contains the following claims: Unreasonable Search
 5 and Seizure—Excessive Force (42 U.S.C. § 1983); Unreasonable Search and
 6 Seizure—Denial of Medical Care (42 U.S.C. § 1983); Substantive Due Process (42
 7 U.S.C. § 1983); Battery (Survival and Wrongful Death); Negligence (Survival and
 8 Wrongful Death); and Violation of Bane Act (Cal. Civil Code § 52.1).

9 The procedural history of the case originated with this Court and was not
 10 removed from state court. Plaintiffs have filed their complaint and the defense has
 11 answered the complaint.

12 **PER DEFENDANTS:**

13 Defendants deny Plaintiffs' claims. Defendants further assert that their
 14 actions were lawful, the force used was objectively reasonable under the totality of
 15 the circumstances and necessitated by the actions of Plaintiffs' decedent.

16 **B. CHANGES IN DISCLOSURES**

17 The parties do not propose any changes in the timing, form, or requirement
 18 for disclosures under Rule 26(a).

19 **C. DISCOVERY PLAN**

20 Per plaintiffs, the subjects on which discovery is needed include liability and
 21 damages.

22 The parties do not propose conducting discovery in phases or limiting or
 23 focusing discovery on particular issues.

24 For when discovery should be completed, the parties submit the following
 25 proposed discovery plan.

- | | | |
|----|-----------------------------------|--------------------|
| 26 | (1) Exchange initial disclosures: | September 6, 2024; |
| 27 | (2) Non-Expert Discovery Cut-off: | October 2, 2025; |

- 1 (3) Initial Expert Disclosure: October 3, 2025;
2 (4) Rebuttal Expert Disclosure: November 7, 2025; and
3 (5) Expert Witness Discovery Cut-off December 12, 2025

4 **D. DISCOVERY ISSUES**

5 Per Plaintiffs, there are no issues about disclosure, discovery, or preservation
6 of electronically stored information, including the form or forms in which it should
7 be produced.

8 Per Defendants, delays are anticipated in important discovery that Plaintiffs
9 are anticipated to demand. The incident occurred on February 3, 2024, and Plaintiffs
10 filed this matter on April 19, 2024. This incident is being investigated by the
11 LAPD's Force Investigation Division (FID), which may go on for up to one year
12 after the incident, and all FID materials are confidential pending the investigation.
13 For this reason, virtually no discovery materials are yet available to Defense
14 Counsel.

15 For these reasons, that Parties are requesting a trial date on February 17, 2026.

16 **E. PRIVILEGES OR PROTECTION OF MATERIALS**

17 Per Plaintiffs, there are no issues about claims of privilege or of protection as
18 trial-preparation materials.

19 Per Defendants, many of the materials anticipated to be requested by Plaintiffs
20 are privileged and will require a protective order for disclosure, once those materials
21 are available.

22 **F. LIMITATIONS ON DISCOVERY**

23 Per Plaintiffs, no changes should be made in the limitations on discovery
24 imposed under the Federal Rules of Civil Procedure or by Local Rule.

25 Defendants reserve the right to request limitations on discovery per the
26 Federal or Local Rules.

1 **G. OTHER ORDERS**

2 Plaintiffs respectfully propose that the Court does not need to issue any other
3 orders under Rule 26(c) or under Rule 16(b) and (c).

4 **H. COMPLEX CASES**

5 The parties do not believe that any part of the procedures of the Manual for
6 Complex Litigation should be utilized.

7 **I. MOTION SCHEDULE**

8 **PER PLAINTIFFS:**

9 Plaintiffs do not anticipate filing any dispositive or partially dispositive
10 motions.

11 **PER DEFENDANTS:**

12 Defendants intend to file a motion for summary judgment or, in the
13 alternative, motion for partial summary judgment.

14 **J. ALTERNATIVE DISPUTE RESOLUTION**

15 No settlement discussions have occurred to date. The Parties' preference is
16 to use a mediator from the Court Mediation Panel.

17 **K. TRIAL ESTIMATE**

18 Plaintiffs anticipate 5 court days for trial. Defendants anticipate 5-7 court
19 days for trial.

20 **L. ADDITIONAL PARTIES**

21 Plaintiffs will seek leave to amend their complaint to show the true names
22 and capacities of the involved officers when they have been ascertained.

23 **M. EXPERT WITNESSES**

24 The parties propose the following expert discovery plan:

- 25 (1) Initial Expert Disclosure: October 3 2025;
26 (2) Rebuttal Expert Disclosure: November 7, 2025; and
27

(3) Expert Witness Discovery Cut-off December 12, 2025

DATED: August 16, 2024

LAW OFFICES OF DALE K. GALIPO

By /s/ Eric Valenzuela

Dale K. Galipo

Eric Valenzuela

Attorneys for Plaintiffs

Dated: August 16, 2024

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